



City Council/Planning & Zoning Board Meeting

Agenda

June 25, 2013

7:00 pm

City Hall Annex

NCGS § 143-318.17 Disruption of official meetings

**A person who willfully interrupts, disturbs, or disrupts an official meeting and who, upon being directed to leave the meeting by the presiding officer, willfully refuses to leave the meeting is guilty of a Class 2 misdemeanor.
(1919, c. 655, s 1; 1993, c. 539, s. 1028; 1994, Ex. Sess., c. s. 14 (c).)**

Present: Mayor, Carlton Boyles; Council members: Chester Ayers, Karen Bridges, Debbie Frazier, Linda Gantt, Tommy Johnson, Barry Lambeth, Ed Lohr, and Kristen Varner.

Planning and Zoning members Present: Gene Byerly, Harold Hobbs, Ricky Ivey, Lynn Kennedy, and Jimmy Peace.

Absent: Chair, Richard McNabb, Don Payne and Jeff Taylor.

Others Present: City Attorney, Bob Wilhoit; Assistant City Clerk, Annette de Ruyter, Planning and Zoning and Code Enforcement Officer, Julie Maybee, and Public Works Director, Rich Baker.

I. Call to Order City Council

Mayor Boyles called the meeting to order at 7:25pm. He thanked those present for coming and supporting the City of Trinity.

a) Pledge of Allegiance (Mayor Carlton Boyles)

Mayor Boyles led the Pledge of Allegiance.

b) Invocation

An Invocation was given by Council member Lambeth. Council member Lambeth asked that we remember Board member Kennedy for the illness of her son, Chris. Also we must remember our City Manager Hinson, because of the illness of her father. Her father will be going to Hospice on Monday. Her mother is also in need of prayer.

c) Welcome Guests and Visitors

Mayor Boyles thanked those present for coming and supporting the City of Trinity.

II. Review, Amend, and Approve Agenda *(Mayor Carlton Boyles)*

Motion by Council member Lambeth to review, amend, and approve the agenda, seconded by Council member Johnson and approved unanimously by a vote of 8 ayes and 0 nays with no Council members absent.

III. Public Comments

Citizens are invited to address the City Council on issues that are not listed on the agenda. Residents may speak on agenda items at the time the issue is discussed by the Council. Speakers should not discuss issues that concern the candidacy of any person seeking public office. Please sign up to speak prior to the meeting; when the Mayor calls your name, please step to the lectern and state your name and address for the record; remarks are limited to 3 minutes/speaker; speakers are encouraged to select a spokesperson if several people plan to make similar points. (Policy adopted 2/17/04; amended 10/14/08; amended 01/15/13)

There were no Public Comments at this time.

IV Call to Order Planning and Zoning Board

Board Co-chair, Kennedy called the Planning and Zoning meeting to order at 7:30 pm.

V. Review, Amend, and Approve Agenda

Motion by Board member Ivey to approve the Agenda for the June 25, 2013 Meeting, seconded by Board member Hobbs and approved with 4-1 vote with Board member Peace opposed.

VI. Public Hearing

Mayor Boyles and Co-Chair Kennedy opened the Public Hearing to Council and the Planning Board at 7:34 and called for staff presentation from Ms. Maybee.

Staff Presentation

Ms. Maybee conveyed to members that this request was in response to concerns expressed by citizens and the business community to clarify the Zoning Ordinance pertaining to the placement of manufactured homes, etc.

Ms. Maybee discussed the detailed proposed amendments highlighted on Exhibit (A) (attached).

After discussion of items listed on Attachment A, Ms. Maybee referenced NCGS 160A-383 regarding the purposes of the consistency statement. (Attachment 1).

After her review, Ms. Maybee called for questions. Hearing none, Mayor Boyles proceeded with the Public Hearing.

Public Comment Period

1. To Consider Zoning Ordinance Text Amendment Request

Mayor Boyles commented that there was no applicant listed to make a presentation and proceeded to open the Public Comment Period.

Speaking for: None

Speaking Against: None

Since there was no applicant presentation or rebuttal, Mayor Boyles called for staff recommendation.

Staff Recommendation

Ms. Maybee discussed the text amendments as presented the Draft Ordinance in accordance with NCGS 160A-383. Staff recommends approval of the text amendments and Consistency Statements from both boards. (Attachment # 2)

After the staff presentation, Mayor Boyles called for a motion from Council to Close the Public Hearing.

Council member Ayers made a motion to close the Public Hearing. The motion was seconded by Council member Lambeth and approved unanimously by a vote of 8 ayes and 0 nays with no Council members absent.

Co-chair Kennedy called for a motion from the Planning Board to close the Public Hearing.

Board member Ivey made a motion to close the Public Hearing. The motion was seconded by Board member Hobbs and approved by a vote of 3 ayes and 1 nay with Board member Peace.

Co-Chair Kennedy opened discussion to the Planning Board regarding this item.

Board member Peace discussed the requirements listed regarding how the home must be secured to the foundation and commented this requirement was mandated by the state.

With no other discussion, Co-Chair Kennedy called for a motion to accept staff recommendation.

Board member Ivey made a motion to accept staff recommendation as presented. The motion was seconded by Board member Hobbs and approved by a vote of 3 ayes and 1 nay with Board member Peace opposed.

Ms. Maybee, Planning Director asked that the Planning Board adopt the Consistency Statement per NCGS 160A-383 as stated in Attachment 2.

Board member Hobbs made a motion to adopt the Consistency Statement (Attachment # 2) as presented. The motion was seconded by Board member Ivey and approved by a vote of 3 ayes to 1 nay with Board member Peace opposed.

At this time, Mayor Boyles called for a motion from City Council to adopt the Consistency Statement per NCGS 160A-383 as written after discussion if needed.

Council member Bridges discussed the intent of the Council concerning the changes regarding mobile homes. It was our intent to allow persons with single-wide mobile homes on their own lot, not a mobile home park, to replace them as well as to replace them with a double-wide mobile home if they had the appropriate amount of setbacks. We never intended to limit this in a mobile home subdivision.

With no other comments, Mayor Boyles called for a motion to adopt the recommendation from the Planning Board.

Council member Bridges made a motion that Council adopt the Zoning Ordinance Amendments because they will enable the City to carefully manage growth, encourage and facilitate the development of our current Land Use Plan, and that we have given reasonable consideration of the current character and encouraging the appropriate use. The motion was seconded by Council member Frazier and approved unanimously by a vote of 8 ayes and 0 nays.

2. To consider a Special Use Permit Request from Randolph County Board of Education (Quasi-Judicial))

Mayor Boyles and Co-Chair Kennedy opened the Public Hearing to Council and the Planning Board at 7:50 and called for staff presentation from Ms. Maybee.

Staff Presentation

Ms. Maybee stated that because this was a Quasi-Judicial Hearing anyone who wished to speak would need to be sworn. At this time Ms. Maybee was sworn prior to presentation.

Ms. Maybee presented the information regarding the request located in the exhibit attached (staff report) and asked that this as well as the findings of fact be included into the record.

This permit is a request from the Randolph County Board of Education to place 4-60' light structures, 18700 lumens per lamp, at Trinity High School athletic soccer field. The subjects lot is addressed as 5554 Trinity High School Drive, and further identified as Randolph County Parcel # 7708525141. This property is zoned R-40.

This is being presented to the board because this property is zoned R-40 (Residential-40). An athletic field in this district requires a Special Use Permit. The structures are the lights and can be compared to the height of a 5 story building. The potential concern is that the lights could project beyond the property boundaries. In this particular situation there is a wooded area surrounding this property. There is a gate located on the northern end of this property. The lights will be installed by a NC licensed electrician.

The technical review committee met on June 26, 2013 and discussed this request. After deliberation, the committee recommended approval of the request and stipulated that a knock lock be installed on the site's north entrance gate off Mendenhall Road to facilitate emergency vehicle access.

Ms. Maybee reviewed the Findings of Fact (incorporated as shown on the staff report) (Exhibit B An Ordinance in Consideration of A Special Use Permit Application.)

This will also be consistent with our Land Development Plans because it is providing a Special Use Permit that adds flexibility to the Zoning Ordinance. This requires the use to be subject to high standards of design, certain property uses that would otherwise be undesirable in certain districts can be developed to minimize any harmful effects they may have on surrounding properties.

After her review, Ms. Maybee called for questions. Hearing none, Mayor Boyles proceeded with the Public Hearing.

Speaking for: none

Speaking against: none

With no one speaking, Mayor Boyles stated there was no applicant. Ms. Maybee has presented the information for this item. The Planning Board will now need to discuss this issue.

There was no discussion at this time from the Planning Board.

Staff Recommendation

Staff recommends approval based on the Findings of Fact. As far as conditions we require that the lights comply with the North Carolina Athletic Association Standards and that a knock lock be installed on the north gate off of Mendenhall Road for emergency access.

At this time Mayor Boyles closed the Public Hearing for the City Council and Co-Chairman Kennedy closed the Public Hearing for the Planning Board.

Co-Chair Kennedy opened the floor to the Planning Board for approval of staff recommendation to City Council.

Board member Peace made a motion to approve the staff recommendation to the City Council as presented and to include the Findings of Fact. The motion was seconded by Board member Hobbs and approved unanimously by a vote of 4 ayes and 0 nays.

At this time Mayor Boyles opened this item to Council for discussion.

Council member Gantt made a brief comment that she was excited that Randolph County had approved Trinity High School to get these lights.

With no other discussion, *Council member Bridges made a motion to approve the Special Use Request and that it met the findings of fact as follows;*

- a) That the use or development is located designed and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.*
- b) That it complies with all regulations and standards.*
- c) That it is located, designed and proposed to operate so that it will not injure adjoining properties.*
- d) The development will be in harmony with the area and meets the general Land Use Plans.*

The motion was seconded by Council member Frazier and approved unanimously by a vote of 8 ayes and 0 nays.

VII. City Council Adjournment

With no other business to discuss, *Council member Lambeth made a motion to adjourn the June 25, 2013 Meeting for Trinity City Council at 8:06 pm. The motion was seconded by Council member Johnson and approved unanimously by all Council members by a vote of 8 ayes and 0 nays.*

VIII. Business from Staff for the Planning & Zoning Board

A. Zoning Ordinance Amendments and Plan Consistency Statements with the board as stated in Article XVII, Section 17-1 ((4) of the City's Zoning Ordinance.

Ms. Maybee discussed Zoning Ordinance Amendments and Plan Consistency Statements with the board as stated in Article XVII, Section 17-1 (4) of the City's Zoning Ordinance.

She discussed the articles included in the packet EXHBIT A as presented by Mr. Rich Ducker. In this article he discussed the different plans available for consistency. One view of plan consistency emphasizes the process used by local governments in making zoning decisions that is procedural. Plan consistency statements can also emphasize the substance of what relevant planning documents say and display.

This is something that the Planning Board needs to take into consideration when this board is looking at rezoning request or items as completed tonight as well as when City Council considers approval. If this is not done then we open the door to have our decisions appealed. The same applies to addressing the plan consistency statement.

B. Zoning Ordinance- NC General Statute Changes

Ms. Maybee discussed NC Senate Bill 2011-408 approved on August 11, 2013. This addresses the placement of Election Signs. (See Session Law 2011-408 Senate bill 315 included as Exhibit A.

This basically states the conditions that have to be satisfied if a political sign is placed out of the road right-of-way. It also states that if the City maintains the road they can have their own regulations that can be more restrictive and the new laws would not apply. However, on NC Highway 62 the signs could be placed in the right-of-way, since this road is maintained by NCDOT. Ms. Maybee reviewed the sign placement as identified on the bill (Exhibit A) and listed under item (d). She pointed out that the permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be placed. The sign cannot be larger than 864 square inches or approximately 6 X 6.

This bill also discusses commercial signage as well and addresses portable signs.

When looking at our Zoning Ordinance provisions we need to look at what is statewide and make sure that they work together. One item in our Ordinance states that you cannot have signs in the public right-of-ways which contradicts with this new ruling. This may be addressed by adding the words “unless or except.”

Ms. Maybee discussed the state standard for a political sign in the road right-of-way. Our Zoning Ordinance states that one sign can be placed on the lot. The question that I will be proposing to the Board is do you want double signage that will allow a sign on a private lot and one located on the right-of-way?

Ms. Maybee discussed the language in the bill that dictated when the political signs must be removed. Our Ordinance states 4 days after the primary or election, the state ruling is 10 days. The state law also dictates that you cannot remove someone else’s political signs.

There was discussion between Council Liaison Gantt and Ms. Maybee concerning when political signage could be erected. Ms. Gantt discussed previous controversy the city had incurred previously since some of our neighboring cities have a different time schedule for erection and removal of political signs. She asked if this was addressed in the new ruling by the State.

Ms. Maybee advised Ms. Gantt that the state ruling agreed with the 30 day time limit that was addressed in the City of Trinity’s Ordinance.

Ms. Maybee discussed the notes located in the Table of Permitted Uses. There are further revisions that need to be made. I will be coming back to the board with recommendations for changes to be discussed.

Business form the Board

Co-Chair Kennedy discussed the dedication for Guy Marino to be held in August. She asked if staff could add this item to the next meeting agenda for the Planning Board to be discussed.

Mr. Baker advised members and Ms. Kennedy it was his hope to have this project completed in July and advised Ms. Kennedy this would be listed as an agenda item in August for discussion.

IX. Planning & Zoning Board Adjournment

With no other business to discuss, *Board member Peace made a motion to adjourn the June 25, 2013 Planning/Zoning Meeting at 8:30. The motion was seconded by Board member Ivey and approved unanimously by all members present.*

These minutes were approved by the **Trinity City Council** on August 20, 2013 upon motion by Council member Johnson seconded by Council member Bridges and approved unanimously.

These minutes were approved by the **Trinity Planning/Zoning Board** on August 27, 2013 upon motion by Board member Byerly, seconded by Board Member Hobbs, and approved unanimously .